

IPW



PATENT
Customer No. 22,852
Attorney Docket No. 06882.0095-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:)
Gary T. NEEL et al.) Group Art Unit: 3626
Application No.: 10/764,974) Examiner: To Be Assigned
Filed: January 26, 2004)
For: MEDICAL DIAGNOSTIC TESTING)
DEVICE WITH VOICE MESSAGE)
CAPABILITY)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement includes a certification as specified by Section 1.97(e).

Each document listed in this Information Disclosure Statement was first cited in a communication from the European Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

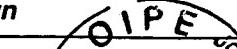
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Date: May 4, 2005

By: 
Eric R. Raciti
Reg. No. 41,475

<p>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</p> <p>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				<p>Complete if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/764,974</td> </tr> <tr> <td>Filing Date</td> <td>January 26, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Gary T. Neel et al.</td> </tr> <tr> <td>Art Unit</td> <td>3626</td> </tr> <tr> <td>Examiner Name</td> <td>To Be Assigned</td> </tr> <tr> <td colspan="2">Attorney Docket Number</td> </tr> </table>		Application Number	10/764,974	Filing Date	January 26, 2004	First Named Inventor	Gary T. Neel et al.	Art Unit	3626	Examiner Name	To Be Assigned	Attorney Docket Number	
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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
/T.W./	EP 1346 685 A1		09/24/2003	ARKRAY, Inc.		
/T.W./	WO 01/28416 A1		04/26/2001	HEALTHETECH, INC.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶

Examiner Signature	/Teresa Woods/	Date Considered	01/29/2009
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.